

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:09-00058

TERESA BIRCHFIELD

MEMORANDUM OPINION AND ORDER

In the court's Judgment Order imposing sentence and restitution in this case, entered August 19, 2009, the court ordered restitution to the victims as follows:

BB&T	\$ 3,000.00
Malinda B. Nothem	\$21,754.00
City National Bank	\$44,177.45
Summit Community Bank	<u>\$12,000.00</u>
TOTAL	\$80,931.45

The court further ordered that \$29,000.00 in United States currency was the property of City National Bank and was to be returned immediately to City National Bank and credited against the \$44,177.45 obligation noted above. As set forth in the copy of City National Bank's general ledger credit entry of August 7, 2009, the date of sentencing herein, the \$29,000.00 was returned to City National Bank, as further indicated by the copy of the

City National Bank's "CASH IN" entry of that same date through Teller Number 013001. The single page general credit entry and the single page cash-in statement are hereby ORDERED filed herein.

The court also found that the defendant had purchased a 1993 Oldsmobile and a 1998 Land Rover with \$8,000.00 of money wrongfully obtained by the defendant from City National Bank and ordered that those two automobiles were to be sold by the Bank and the proceeds credited to the \$44,177.45 restitution sum. The Bank, however, did not sell the vehicles as contemplated by the order but rather gave them away to a public entity two years later, after the vehicles had deteriorated in value.

In response to the defendant's Motion for Credit Toward Restitution, filed on March 30, 2012, the parties, being the defendant, the United States and City National Bank, have, by stipulation filed herein on May 23, 2012, agreed that the sum of \$4,925.00 shall be credited against the \$44,177.45 obligation as a result of the award of the two vehicles to the Bank.

By virtue of the \$29,000.00 in currency having been returned to City National Bank and the agreement of the parties that the sum of \$4,925.00, representing the two automobiles, be

credited against the restitution obligation of \$44,177.45 to City National Bank, it is ORDERED that the restitution obligation of the defendant to City National Bank of \$44,177.45 as set forth in the court's order of August 19, 2009, be reduced to \$10,252.45.

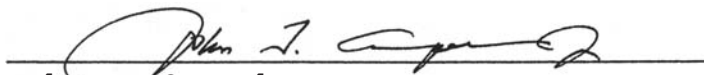
Accordingly, the court's order of restitution is amended to read as follows:

BB&T	\$ 3,000.00
Malinda B. Nothem	\$21,754.00
City National Bank	\$10,252.45
Summit Community Bank	<u>\$12,000.00</u>
TOTAL	\$47,006.45

All other payments by the defendant shall be allocated proportionately to each victim named above in accordance with the amended amounts last set forth above.

The Clerk is directed to forward copies of this order to the defendant, all counsel of record and the United States Probation Department.

DATED: June 25, 2012


John T. Copenhaver, Jr.
United States District Judge